

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)
)
01-CV-12257-PBS AND 01-CV-339)
)

MOTION FOR LEAVE TO FILE UNDER SEAL OF DEFENDANTS
BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY THERAPEUTICS
NETWORK CORPORATION AND APOTHECON, INC.

Defendants Bristol-Myers Squibb Company, Oncology Therapeutics Network Corporation and Apothecon, Incorporated (together, “BMS”), move this Court for leave to file under seal the Declaration of Lyndon M. Tretter, dated April 6, 2006, in opposition to Plaintiffs’ motion for partial summary judgment. This declaration, together with the exhibits annexed thereto, is being filed under seal because it and certain of the exhibits annexed thereto contain documents, deposition testimony and/or proprietary pricing data designated as “Highly Confidential” under the terms of the protective order entered by this Court on December 13, 2002. BMS will file redacted versions of the aforementioned documents through the Court’s Electronic Case Filing System.

WHERFORE, defendants respectfully request that this Court grant them leave to file under seal the Declaration of Lyndon M. Tretter, dated April 6, 2006, together with the exhibits annexed thereto.

Dated: Boston, Massachusetts
April 7, 2006

Respectfully Submitted,

By: /s/ Jacob T. Elberg
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Company, Oncology Therapeutics Network,
Corp. and Apothecon, Inc.

CERTIFICATE OF SERVICE

I, Lyndon M. Tretter, hereby certify that on April 7, 2006, pursuant to Paragraph 11 of Case Management Order No. 2, I have caused to be served on all counsel of record a true and correct copy of the foregoing Motion For Leave To File Under Seal by electronic service, by sending a copy of same to Lexis/Nexis File and Serve for posting and notification to all parties.

/s/ Lyndon M. Tretter
Lyndon M. Tretter